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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,221	09/09/2003	Maurice W. Haff	P23849	8827
7055 7590 10/01/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER HOFFMAN, BRANDON S	
			ART UNIT 2136	PAPER NUMBER
			NOTIFICATION DATE 10/01/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ma

<b>Office Action Summary</b>	<b>Application No.</b> 10/657,221	<b>Applicant(s)</b> HAFF ET AL.	
	<b>Examiner</b> Brandon S. Hoffman	<b>Art Unit</b> 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-31 are pending in this office action.
2. Applicant's arguments, filed July 25, 2007, have been fully considered but they are not persuasive.

### ***Claim Rejections***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

4. Claims 1-4, 6-9, 11-14, 16-19, 21-24, and 26-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Spies et al. (U.S. Patent No. 5,689,565).

Regarding claims 1 and 21, Spies et al. teaches a file authentication requesting device/computer readable medium that stores a computer program for requesting authentication of files in digital systems, the device/medium comprising:

- A confirmation request system that generates a request for a confirmation receipt from a third party authenticator authenticating the attributes of a file (fig. 2, ref. num 40);

- A transferring system that transfers attributes of at least one file to be authenticated to the third party authenticator from the device that requested the confirmation (fig. 2, ref. num 42 and 46); and
- A receiving system that receives the confirmation receipt comprising authenticated file attributes, after authentication by the third party authenticator (fig. 2, ref. num 49);
- Wherein, at least one file authentication is received from the third party authenticator (col. 16, lines 31-42).

Regarding claims 2 and 22, Spies et al. teaches in which the at least one file to be authenticated was received by the device as a file transfer from another device (fig. 2, ref. num 32(a) and 32(b)).

Regarding claims 3 and 23, Spies et al. teaches in which an identification of at least one of the [requesting] device or user of the [requesting] device is transferred along with attributes of the at last one file to be authenticated (col. 6, lines 44-59).

Regarding claims 4, 8, 13, 18, 24, and 29, Spies et al. teaches in which the authentication comprises digitally signing the confirmation receipt (col. 7, lines 1-17).

Regarding claims 6 and 16, Spies et al. teaches a file authentication processing device/computer readable medium that stores a computer program for processing requests for authentication of files in digital system, the device/medium comprising:

- A receiving system that transfers attributes of at least one file to be authenticated to the third party authenticator from the device that requested the confirmation (fig. 2, ref. num 40);
- A processing system that processes a confirmation receipt, the processing comprising a unique digital characterization of the file attributes, assuring at least in part tampering and modification detection (fig. 2, ref. num 42 and 46 and col. 7, lines 1-17);
- A sending system that sends the confirmation receipt comprising authenticated file attributes to the requesting device, after processing by the third party authenticator (fig. 2, ref. num 49);
- Wherein, at least one file is authenticated by the third party authenticator (col. 16, lines 31-42).

Regarding claims 7, 12, 17, and 28, Spies et al. teaches in which an identification of at least one of the [requesting] device or user of the [requesting] device is transferred along with attributes of the at least one file to be authenticated (col. 6, lines 44-59).

Regarding claims 9, 14, 19, and 30, Spies et al. teaches in which the confirmation receipt incorporates at least the date and time of authentication, and an identification of at least the requesting device (col. 11, lines 2-6).

Regarding claims 11 and 26, Spies et al. teaches a file authentication system/method for authenticating files in digital systems, the system/method comprising:

- An originating file authentication device originating a request for a confirmation receipt from a third party authenticator, and transferring attributes of at least one file to be authenticated to the third party authenticator (fig. 2, ref. num 40);
- A confirmation request processing device for processing a confirmation receipt by the third party authenticator, the processing comprising a unique digital characterization of the file attributes, assuring at least in part tampering and modification detection (fig. 2, ref. num 42 and 46 and col. 7, lines 1-17);
- A transferring device for transferring the confirmation receipt comprising authenticated file attributes, after processing by the third party authenticator, to the device that requested confirmation (fig. 2, ref. num 49);
- Wherein, the third party authenticator authenticates the attributes of the at least one file as requested by the device (col. 16, lines 31-42).

Regarding claim 27, Spies et al. teaches in which the at least one file to be authenticated was received by the device as a file transfer from another device (col. 28, lines 35-53).

***Claim Rejections - 35 USC § 103***

5. Claims 5, 10, 15, 20, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spies et al. (USPN '565) in view of Cordery et al. (U.S. Patent No. 5,796,841).

Regarding claims 5, 10, 15, 20, 25, and 31, Spies et al. teaches all the limitations above. However, Spies et al. does not teach in which the authentication comprises a unique digital characterization of file attributes by a postal authority.

Cordery et al. teaches in which the authentication comprises a unique digital characterization of file attributes by a postal authority (col. 3, line 61 through col. 4, line 6).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine authenticating file attributes by a postal authority, as taught by Cordery et al., with the device/medium of Spies et al. It would have been obvious for such modifications because a postal service has an infrastructure,

governmental authority, and responsibility for universal access that makes a postal service a natural choice for a authority (see col. 3, lines 42-61 of Cordery et al.).

### ***Response to Arguments***

6. Applicant argues:

- a. Spies et al. does not teach any feature of the independent claims 1, 6, 11, 16, 21, and 26 (page 2 through page 4, second paragraph, page 6, second paragraph through page 8, second paragraph, and page 10, second paragraph through page 12, second paragraph).
- b. Spies et al. does not teach the at least one file to be authenticated was received by the device as a file transfer from another device (page 4, last paragraph through page 5, first paragraph).
- c. Spies et al. does not teach an identification of at least one of the requesting device or user of the requesting device is transferred along with attributes of the file to be authenticated (page 5, second paragraph).
- d. Spies et al. does not teach digitally signing a confirmation receipt (page 6, first paragraph).
- e. Spies et al. does not teach an identification of at least one of the requesting device or user of the requesting device is transferred along with attributes of the file to be authenticated (page 8, last paragraph through page 9, first paragraph).



- f. Spies et al. does not teach the credentials comprising a receipt containing file attributes or validity dates the comprise a date and time of authentication of file attributes (page 9, last paragraph through page 10, first paragraph).
- g. Spies et al. does not teach the transfer or receipt of a file to be authenticated by a third party authenticator (page 12, last paragraph through page 13, first paragraph).

Regarding argument (a), examiner disagrees with applicant. Applicant's arguments, with respect to the independent claims, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Regarding argument (b), examiner disagrees with applicant. Figure 2 and figure 8 of Spies et al. shows the transaction process where an originating participant (24A) transfers data to two other participants (24B, 24C). Figure 8 specifically shows where the second participant (24C) decrypts the document and verifies the signature and authenticity of the originating participant (24A). This shows that at least one file (fig. 2, ref. num 32) to be authenticated was received by the device (fig. 2, ref. num 24C) as a file transfer from another device (fig. 2, ref num 24A).

Regarding argument (c), examiner disagrees with applicant. Figure 2, reference number 32(a) of Spies shows the credentials of each participant (24A, 24B, 24C) passed along from one to another. These credentials, as admitted by applicant, contain

the name and location and other unique information of each participant. Also see figure 7, reference number 116, where the credentials (name, location) of the originating participant are sent to the other participants so the other participants will have the proper information to return communication.

Regarding argument (d), examiner disagrees with applicant. The digitally signed receipt contains file attributes because the receipt is in response to the commerce document and commerce instructions (36 and 38). The commerce document and commerce instructions have attributes that define the details of the respective document. Therefore, the signed receipt, in response to the commerce document and instructions contains attributes.

Regarding argument (e), examiner disagrees with applicant. As argued above, with response to argument (c), claim 7 stands as rejected.

Regarding argument (f), examiner disagrees with applicant. As argued above, with response to argument (c), claim 9 stands as rejected for the limitation of including an identification of the requesting device. Spies et al. teaches incorporating the date and time of authentication at column 11, lines 2-6 and also figure 7, reference number 116, where the credentials (name, location) of the originating participant are sent to the other participants so the other participants will have the proper information to return communication.

Regarding argument (g), examiner disagrees with applicant. As argued above, with response to argument (b), claim 27 stands as rejected.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon Hoffman/

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